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EXAMINER

CHEUNG, MARY DA ZHI WANG

ART UNIT PAPER NUMBER

3621

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/732,591

Applicant(s)

ARTINGER, CHARLES KURT

Examiner

Mary Cheung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 06 April 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

There are two claims are numbered as claim 23. The second claim 23 (page 15 line 5) has been renumbered as claim 24.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 24, 38 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3, 24 and 38 recite the limitation "the user" in each of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 40 recites the limitation "the user's compatible product selection". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 21-22, 24-28, 38 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Borghesi et al., U. S. Patent 5,950,169.

As to claim 21, Borghesi teaches a system for facilitating selection of an item to replace an insured item, said system comprising: a device; and a server connected to said device and configured to receive item specification information data via said device, the item information including at least one of a feature of the item and an accessory of the item, said server further configured to identify stored product information data that matches item information data entered into the server (column 5 line 8-11, 51 – column 6 line 5 and column 7 lines 57-67 and column 14 lines 37-42 and column 19 lines 22-35 and Figs. 3, 23).

As to claim 22, Borghesi teaches select at least one item from the stored information data which matches the item identification data entered by at least one of a user, a system administrator, a manufacturer, and a distributor, and an authorizing agent (column 19 lines 22-52 and Figs. 6-7, 23-24).

As to claim 24, Borghesi teaches at least one product available for purchased by the user (column 12 lines 22-35 and Fig. 23).

As to claim 25, Borghesi teaches selecting at least one item to replacing the an insured item subject to a insurance claim (Figs. 1, 7, 9).

As to claim 26, Borghesi teaches submitting stored item information data to at least one of an authorizing agent, a manufacturer, and a distributor (column 19 lines 22-52 and Figs. 23-24).

As to claim 27, Borghesi teaches tracking shipping of the product (column 19 lines 22-52 and Figs. 23-24).

As to claim 28, Borghesi teaches executing a multi-query search to identify stored product information data that matches the item information data entered by the user (column 9 line 57 – column 10 line 5 and Figs. 23-24).

As to claim 38, Borghesi teaches guiding the user to a product (column 14 line 37 – column 15 line 7).

As to claim 41, Borghesi teaches the item specification information data is supplied to said server from at least one of an authorizing agent, a user, a manufacturer, a distributor, and a system administrator (Fig. 3).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi et al., U. S. Patent 5,950,169.

As to claim 39, Borghesi teaches displaying the photographs of the damaged product (column 6 lines 52-67). Borghesi does not explicitly teach displaying the

photographs of compatible products. It would have been obvious to one of ordinary skill in the art to allow the teachings for Borghesi to include the feature of displaying the photographs of compatible products because this would provide visualized images of the compatible products to the user so that the user can better determine whether to use the compatible products.

As to claim 40, Borghesi teaches receiving the user's compatible product selection (column 14 line 37 – column 15 line 7).

8. Claims 1-20, 23 and 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi et al., U. S. Patent 5,950,169 in view of Frankel et al., U. S. Patent 6,449,661.

As to claim 1, Borghesi teaches a method for replacing insured item using a web-based system including a server and at least one device connected to the server via a network, said method comprising the steps of (column 5 line 51 – column 6 line 5 and column 14 lines 37-42 and Fig. 3):

- a) Receiving specification information about the item via the device (column 5 lines 8-11 and column 7 lines 54-65 and column 9 line 57 – column 10 line 5);
- b) Comparing the received item specification information with pre-stored information (column 19 lines 22-35 and Fig. 23);
- c) Selecting at least one product which matches the received item specification information (column 19 lines 22-35 and Fig. 23).

Borghesi does not specifically teach downloading information related to the product. However, Frankel teaches various information to a computer through internet

(column 4 line 66 – column 5 line 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teachings of Borghesi to include the feature of downloading information related to the product so that the user can quickly and easily to obtain the desired information.

As to claim 2, Borghesi teaches submitting selection information to at least one of an authorizing agent, a manufacturer, and a distributor; and tracking shipping of the product (column 19 lines 22-52 and Figs. 23-24).

As to claim 3, Borghesi teaches selecting at least one product for purchased by the user (column 12 lines 22-35 and Fig. 23).

As to claim 4, Borghesi teaches selecting at least one product to replace the item (column 14 lines 37-42 and Fig. 9).

As to claim 5, Borghesi teaches receiving specific information input into a multi-query search engine at least one of a user, a system administrator, a manufacturer, a distributor, and an authorizing agent (Figs. 6-7).

As to claim 6 and 11, Borghesi teaches receiving specification information about the insured item (Fig. 9 lines 57-67). Borghesi does not specifically teach the insured items include jewelry, and the received specification information about the item comprising metal information for the jewelry to be replaced. Frankel teaches the insured item include jewelry, and receiving specification information about the item comprising physical description and the like about the jewelry to be replaced (column 6 line 2-40 and Fig. 7). Frankel does not specifically state the physical description and the like about the jewelry to be replaced including metal information and gem clarity

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information. It would have been obvious to one of ordinary skill in the art to allow the description information of the jewelry to include metal information and gem clarity information because this would allow the people to quickly identify the jewelry if it is found, and it would also allow the insurance company or others to quickly evaluate the value of the jewelry. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the insured item of Borghesi to include jewelry because this would expand the usage environment of Borghesi, and attract more users to use the method.

As to claims 7-10 and 13, Borghesi teaches receiving specification information about the insured item (Fig. 9 lines 57-67). Borghesi does not specifically teach the insured items include jewelry, and receiving gem stone shape information, total weight information, color information, primary and second stone information, and general purpose information for the jewelry to be replaced. However, Frankel teaches these matters (column 6 line 2-50 and Fig. 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the insured item of Borghesi to include jewelry, and to further allow receiving the description information about the jewelry because these would expand the usage environment of Borghesi, and attract more users to use the method for quickly finding the desired information related to the lost item.

As to claim 12, Borghesi teaches receiving accessory information for the item to be replaced (column 9 lines 57-67).



As to claim 14, Borghesi teaches the step of receiving product specification information comprises the step of providing a retail price (column 5 lines 6-15).

As to claim 15, Borghesi teaches the step of comparing the received product specification information comprises the step of determining whether the item includes any accessories (column 5 lines 6-15 and column 9 lines 57-67).

As to claim 16, Borghesi modified by Frankel teaches downloading information related to the product comprises downloading features for the product (see claim 1 above).

As to claim 17, Borghesi teaches guiding the user to a compatible product (column 14 line 37 – column 15 line 7).

As to claim 18, Borghesi teaches displaying the photographs of the damaged product (column 6 lines 52-67). Borghesi does not explicitly teach displaying the photographs of compatible products. It would have been obvious to one of ordinary skill in the art to allow the teachings for Borghesi to include the feature of displaying the photographs of compatible products because this would provide visualized images of the compatible products to the user so that the user can better determine whether to use the compatible products.

As to claim 19, Borghesi teaches receiving a user selection representing a compatible product (column 14 line 37 – column 15 line 7).

As to claim 20, Borghesi modified by Frankel teaches receiving specification information about the item from an authorized agent (Borghesi: Figs. 3, 23); comparing the receiving item specification information from the authorizing agent with pre-stored

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information (Borghesi: Figs. 3, 23) using the received item specification information to download information related to products which match the received item specification information (see claim 1).

Claim 23 is rejected for the similar reason as claim 1.

Claims 29-37 are rejected for the similar reasons as claims 6-11 and 13.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Becker et al. (U. S. Patent 5,983,238) discloses a system for recovering the lost stolen gemstones that comprising a central database for electronic storing unique and relevant information of a plurality of gemstones.

Malnekoff (U. S. Patent 6,304,853) discloses an automated gemstone evaluation system for producing a gemstone evaluation report.

Ezzel et al. (WO 93/12496) discloses a computerized trading system provides centralized storage of images of gemstones and enables remote capture, access, and display of these images.

***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 872-9306      (Official Communications; including After Final  
Communications labeled "BOX AF")  
(703) 746-5619      (Draft Communications)

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, 7<sup>th</sup> Floor Receptionist.

Mary Cheung  
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Art Unit 3621  
September 8, 2003



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